

EXHIBIT D

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SALVATORE GITTO)	
AND PHYLLIS GITTO,)	
)	
Plaintiffs,)	
)	Civil Action No. 07 CV 4771 (DC)
vs.)	
)	
A.W. CHESTERTON CO., INC.,)	
<i>et al.</i> ,)	
)	
Defendants.)	

DECLARATION OF ROBERT SAWYER, M.D.

I, Robert Sawyer, declare the following:

1. I am a Medical Doctor and faculty member at the Institute for Health and the Environment, Department of Environmental Health Sciences, School of Public Health, University at Albany, State University of New York.
2. I began my medical career in 1963 when I graduated with an M.D. from Case Western University School of Medicine. I performed my internship at the Oakland Naval Hospital.
3. I also pursued post-doctoral research at the Department of Epidemiology at the Yale University School of Medicine and received a Master of Public Health degree from the Yale School of Medicine in 1970.
4. My extensive experience with the Navy includes work as a Medical Officer on the USS Sam Houston, a Squadron Medical Officer with U.S. Navy Submarine Squadron Two, and a Staff Medical Officer at the Naval Submarine Medical Center.
5. I have authored numerous publications regarding asbestos, including a publication on asbestos in Naval facilities. I have also been appointed to the National Institute of Building

Sciences, Asbestos Project Committee. In addition, I was awarded the U.S. Navy Surgeon General Award for Submarine Service, a Submarine Force Atlantic Commendation for research in toxic materials control and development of medical care systems on nuclear submarines, and the U.S. Navy Commendation Medal for special projects activities as a submarine medical officer.

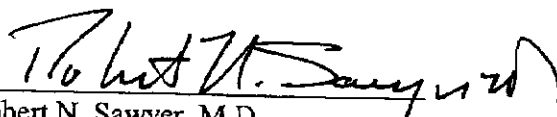
6. A true and correct copy of my current Curriculum Vitae ("CV") is attached as Exhibit 1.

7. I am aware that a lawsuit has been filed against several Defendant corporations, including Eaton Hydraulics Inc., formerly known as Vickers, Incorporated ("EHI"), by Plaintiffs who allegedly were injured by Plaintiff Salvatore Gitto's exposure to asbestos and asbestos-containing products aboard certain Navy vessels at the Brooklyn Navy Yard from 1951 to 1952 and from 1954 to 1966. I understand that Plaintiff alleges exposure to and subsequent injuries from certain Vickers pumps and valves aboard these Navy vessels. It is my understanding that Plaintiff also alleges that Defendant corporations, including EHI, failed to warn Plaintiff of the alleged hazards related to asbestos in such products.

8. Based on my personal and professional experience as an occupational medicine physician, my operational experiences from my Navy career, and my review of historical documents, I can testify regarding the Navy's knowledge of asbestos hazards in the 1950s and 1960s.

9. The information and knowledge possessed by the Navy with respect to the specification and use of asbestos, and the health hazards associated with asbestos use aboard Navy vessels, represented contemporary state-of-the-art and exceeded information and knowledge that reasonably could have been provided by a pump manufacturer such as EHI. Based upon such information and knowledge at given periods of time, the Navy was aware of the recognized health hazards and employed control programs intended to reduce exposure of personnel and monitor their health.

I declare under penalty of perjury that the foregoing is true and correct.


Robert N. Sawyer, M.D.

Dated: July 3, 2007

EXHIBIT 1

ROBERT N. SAWYER, M.D., FACPM

CURRICULUM VITAE

ADDRESS FOR U.S. MAIL	P.O. Box 1407 Guilford, Connecticut 06437	EXPRESS DELIVERY	149 Prospect Avenue Guilford, Connecticut 06437
TELEPHONE	203-453-3060 (office)	CELLULAR	203-314-4492 (messages)
FACSIMILE	203-458-8345	EMAIL	RNSawyerMD@comcast.net

EDUCATION AND TRAINING

UNDERGRADUATE	Massachusetts Institute of Technology Cambridge, Massachusetts	BS 1956
MEDICAL	Case Western Reserve University School of Medicine Cleveland, Ohio	MD 1963
INTERNSHIP	Oakland Naval Hospital, Oakland, California. Rotating Internship	1963 - 1964
RESIDENCY	Preventive Medicine. Department of Epidemiology and Public Health. Yale University School of Medicine. New Haven, Connecticut	1967 - 1970
POST DOCTORAL RESEARCH	Yale University School of Medicine, Department of Epidemiology and Public Health. New Haven, Connecticut	1968 - 1970
OTHER DEGREE	Master of Public Health, Yale University School of Medicine, New Haven, Connecticut	MPH 1970
BOARD CERTIFICATIONS	American Board of Preventive Medicine Certificate No. 254, December, 1972	
FELLOWSHIPS	American College of Preventive Medicine. Certificate No. 2023, 1973	
MEDICAL LICENSURE	Connecticut 12054 California G-13270 Colorado 16661	1965 1967 1970
CERTIFICATION	Diplomate of National Board of Medical Examiners. Certificate No. 79307	1964
	Senior Physician, State of Connecticut Certificate No. 312382	1968
	Controlled Substances: Federal Drug Enforcement Administration (DEA) State of Connecticut	Current Current
SOCIETY MEMBERSHIPS	American Association for the Advancement of Science American College of Occupational and Environmental Medicine	

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	Occupational and Environmental Medical Association of Connecticut. Offices held: President Elect, Vice President and Member, Board of Directors, National Conference Delegate New York Academy of Science	
FACULTY APPOINTMENTS	Faculty member: Institute for Health and the Environment, Department of Environmental Health Sciences, School of Public Health, University at Albany, State University of New York.	2006
	Clinical Professor, Adjunct: Department of Environmental Health and Toxicology, School of Public Health, State University of New York (Albany).	1996 - 2003
	Lecturer in Medicine, Extramural Faculty, Oak Ridge Institute for Science and Education, Oak Ridge, TN	1998 - Present
	Lecturer in Medicine, Department of Medicine, Associated Faculty, School of Medicine, University of Pennsylvania. Philadelphia, PA	1981 - 1996
	Lecture faculty: Mt. Sinai School of Medicine New York, NY	1978-1986
	Lecture faculty: The University of Kansas, Division of Continuing Education	1985-1989
	Lecture faculty: Department of Epidemiology and Public Health. School of Medicine. Yale University, New Haven, CT	1972-1981
COMMITTEE APPOINTMENTS	U.S. Environmental Protection Agency, Water Engineering Research Laboratory (WERL). Cincinnati, Ohio. Peer Review Committee Chairman.	1987 - 1989
	National Institute of Building Sciences. Asbestos Project Com- mittee	1989
	National Institute of Building Sciences. Radon Project Committee.	1989
	National Institute of Building Sciences. Lead Project Committee.	1989
PRESENT PROFESSIONAL ACTIVITIES	Consultant, Occupational and Preventive Medicine.	1979 - Present
	Consultant and Lecturer. Radiation Management Consultants. Philadelphia, PA. Consultation on medical aspects of radiation, care of exposed or contaminated patients. Primary responsibilities: Department of Energy Waste Isolation Pilot Project (WIPP), Carlsbad, NM: Emergency response and hospital staff training on plutonium disposal corridors from weapons program sites; radiation effects, treatment. Federal and state programs lecturer on radio active devices, triage and treatment of injured contaminated patients. Training of hospital staff, emergency responders	1979 - Present

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	Consultant, Entek Environmental and Technical Services, Inc. Consultation on medical and biologic aspects of environmental site and structural contamination; including asbestos, lead, molds and fungi, radon, and other potentially toxic agents.	1997 - Present
	Risk and causation assessment of potential site, structural and personnel exposure.	
PAST MAJOR PROFESSIONAL ACTIVITIES	Entek Environmental and Technical Services, Inc., Troy, NY. Vice President Chief Executive Officer Consultants in toxic materials, architectural and engineering services for survey, assessment, and control.	1986-1996 1996-1997
	Vice President, Environmental Technology, Inc., West Hartford, CT. Consultants in toxic material survey, assessment, and control.	1979-1986
	Yale University Health Services, Yale University, New Haven, Connecticut. Head, Preventive and Occupational Medicine. Surveillance of special risk groups in areas of radiation, carcinogens, biohazards. Head, Department of Urgent Visit Service. Clinic and in-patient services in primary patient care. Staff included physician, physician associate, and nursing personnel.	1972-1981
	Naval Submarine Medical Center, New London, Connecticut. Staff Medical Officer, Military Operations. Clinic, hospital, and general medicine duties. Consultation in radiation, chemical toxicology, and infectious disease. Medical Center Command Officer, Senior Medical Officer, Hyperbaric Medicine Officer, and Command Radiation Medical Officer.	1969-1972
	Research: Headed section studying relationship of nuclear submarine environment and potential health effects. Directed research in hazardous material control and personnel protection	
	Post Doctoral Research: Yale University School of Medicine, School of Epidemiology and Public Health	1967-1969
	Principal Investigator in prospective study of Epstein-Barr virus and other respiratory system viral pathogens. Work published in Journal of Infectious Diseases.	
	Delegate to North Atlantic Treaty Organization (NATO): Committee on Nuclear, Chemical, and Biologic Effects.	1966-1967
	Squadron Medical Officer: U.S. Navy Submarine Squadron Two, New London, Connecticut. Clinical out-patient care. Medical system and preventive medicine program development. Research: Special Projects Medical Officer. Systems development and personnel protection.	1966-1967

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	Medical Officer: USS Sam Houston. Polaris Submarine. The Holy Loch, Scotland. General medicine, preventive medicine, and radiation control. Research in epidemiology of infectious diseases in submarine crews.	1964-1966
PAST MAJOR PROFESSIONAL ACTIVITIES (continued)	School of Submarine Medicine: Submarine Medical Center, New London, Connecticut. Medical, surgical, and radiation control training for independent assignment.	1964
	School of Medicine, Western Reserve University. Refer to Training and Education	1959-1963
	Uhl, Hall, and Rich, Architects, Boston, MA Field Office Supervisor, Niagara Hydroelectric Power Project. Niagara Falls, NY	1958-1959
	Union Carbide Corporation; Electrometallurgical Division, Niagara Falls, NY. Engineering Trainee, Special Project Engineer.	1956-1957
	Johnson Controls Corporation, Cambridge, MA. Part time. Drafting and assembly of building and industrial thermal control systems.	1955-1956

PUBLICATIONS

- Sawyer, R. Viral serology antibody survival versus storage temperatures available aboard nuclear submarines. Naval Submarine Medical Research Laboratory Report No. 474, 11 March 1966.
- Sawyer, R. Viral disease diagnosis aboard nuclear submarines. Naval Submarine Medical Research Laboratory Report No. 473, 10 March 1966.
- Sawyer, R. and Somerville, R. Outbreak of mycoplasma pneumoniae infection in a nuclear submarine, JAMA 195(11):958-59, 14 March 1966.
- Sawyer, R.N., Evans, A.S., Niederman, J.C. and McCollum, R.W. Prospective studies of a group of Yale University freshman. I. Occurrence of infectious mononucleosis. J of Inf Dis 123:3, March 1971.
- Evans, A.S., Niederman, J.C. and Sawyer, R.N. Prospective studies of a group of Yale University freshman. II. Occurrence of acute respiratory infections and rubella. J Inf Dis 123:3, March 1971.
- Sawyer, R. Yale Art and Architecture Building Asbestos Contamination: Past, Present and Future. Proceedings International Conference Environmental Sensing and Assessment, September 1975.
- Storrie, M.C., Sawyer, R.N., Sphar, R.L. and Evans, A.S. Seroepidemiological studies of Polaris submarine crews II. Military Medicine, January 1976.
- Sawyer, R. Asbestos Exposure in a Yale Building: Analysis and Resolution. Envir. Res 13:1 146-168. 1977.
- Nicholson, W.J., Rohl, A.N., Sawyer, R.N., Swoszowski, E.J. and Todaro, J.D. Control of Sprayed Asbestos Surfaces in School Buildings: A Feasibility Study. Report to the National Institute of Environmental Health Sciences, June 15, 1978.
- Sawyer, R. Non-occupational indoor asbestos pollution. In: Dusts and Disease. Proceedings of conference on Occupational exposures to fibrous and particulate dust and their extension into the environment. R Lemen and J Dement, Ed. 1979.

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Sawyer, R. Indoor Asbestos Pollution: Application of Hazard Criteria. Ann. N.Y. Acad. Sci. Vol. 330, 579-586, 1979.

Sawyer, R. and Swoszowski, E.J. Asbestos Abatement in Schools: Experience and Observations. Ann. N.Y. Acad. Sci. Vol. 330, 765-776, 1979.

Sawyer, R. Environmental Chemical Contamination Control in Aspheric Element Production. Proc. Optical Fabrication and Testing Workshop. Proceedings Optical Society America. September 22, 1980.

Lory, E.E., Coin, D.S., Cohen, K.S., Dyer, J.S., Hienzs, M.J., and Sawyer, R.N. Asbestos Friable Insulation Material (FIM) Risk Evaluation Procedure for Navy Facilities. Technical Report R883, Civil Engineering Laboratory, Port Hueneme, CA. February, 1981.

Sawyer, R.N. An Outline of Asbestos Material Management in Buildings. Proceedings of Conference: Asbestos, A National Problem. Greater London Council, Technica Ltd., Lynton House, London. UK. November, 1984.

Sawyer, R.N., Rohl, A.N., Langer, A.M. Airborne Fiber Control in Buildings During Asbestos Material Removal by Amended Water Methodology. JER. Vol. 36:1, 46-55, Feb. 1985.

Sawyer, R.N. Asbestos Material Control and Abatement Methods. Proceedings: Occupational Health Meeting, National Aeronautics and Space Administration. Colorado Springs, CO. November 4-6, 1985.

Sawyer, R.N. and Morse, R.G. An Inventory Process for Determining Asbestos Control Needs and Costs. Architecture. December, 1986.

Sawyer, R. Health effects of asbestos exposure and sources of asbestos fibers. Proceedings, National Institute of Building Sciences 10th Annual Meeting, Health and Safety in Buildings Through Technology. November 16 - 18, 1988. 1201 L Street, NW, Suite 400, Washington, DC 20005. PUB #7402-2.

Sawyer, R.N. Asbestos material inventory, control concepts, and risk communication. Proceedings, Symposium on Health Aspects of Exposure to Asbestos in Buildings. Harvard University Energy and Environmental Policy Center. December 14 - 16, 1988. 65 Winthrop Street, Cambridge, MA 02138. Publication Date, December 1989.

Sawyer, R.N. Yale Art and Architecture building asbestos management revisited. Applied Occupational and Environmental Hygiene. 9(11):781-784. November 1994.

PUBLICATION CONSULTATION AND CONTRIBUTIONS

U.S. Environmental Protection Agency. Asbestos Containing Materials in School Buildings: A Guidance Document, Part 1. Office Toxic Substances C00090. March 1979.

U.S. Environmental Protection Agency. Asbestos Containing Materials in School Buildings: A Guidance Document, Part 2. Office of Air and Waste Management. Office of Air Quality Planning and Standards. RTP, NC.EPA 450/2-78-014. 1978.

U.S. Environmental Protection Agency. Evaluation of Sealants for Sprayed-On Asbestos Containing Material in Buildings. Battelle Columbus Laboratories. 1981.

U.S. Environmental Protection Agency. Evaluation of New Technologies in Asbestos Removal. PEDCo International Research. Cincinnati, Ohio. 1981.

Indoor Pollutants, National Research Council, Assembly of Life Sciences; Committee on Indoor Pollutants. National Academy Press, 1981.

U.S. Environmental Protection Agency. Asbestos in Public and Commercial Buildings. Geophysical Corporation of America. Bedford, Mass. 1982.

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U.S. Environmental Protection Agency. Guidance Document, Control of Asbestos in Buildings. EPA 560/5-85-024. Battelle Memorial Institute. June, 1985.

National Institute of Building Sciences. Model Guide Specification for Asbestos Abatement in Buildings. October 15, 1985.

U.S. Environmental Protection Agency. Guidance for Assessing Asbestos Exposure and Selecting Abatement Methods. 1986.

U.S. Environmental Protection Agency. Operations and Maintenance Program for Asbestos Control. 1986.

PAPERS IN PREPARATION

Sawyer, R.N., Langer, A.M. and Chatfield, E.J. Analysis of a generated complex microparticulate aerosol by analytical transmission electron microscopy.

MAJOR CONSULTATION ACTIVITIES

A list of consultation activities will be provided on written request. The listed consultation activities will be appropriate to the requirements of the request and client confidentiality.

AWARDS

U.S. Navy Surgeon General Award, 1964: Submarine Service (Polaris).

Submarine Force Atlantic Commendation, 1966: Research in toxic materials control and development of medical care systems on nuclear submarines.

U.S. Navy Commendation Medal, 1968: Special projects activities as submarine medical officer.

Bureau of Medicine and Surgery Commendation, 1971: Performance as physician in human hyperbaric research experiments, University of Pennsylvania Institute of Environmental Medicine.

Nominee, Excalibur Award, 1979: Service to the U.S. Government. Environmental Protection Agency.

Nominee, Rockefeller Public Service Award, 1979: Advancing the Health of the American People. Environmental Protection Agency.

PATENT

U.S. Patent No. 5,992,996, 1999: Protective Eyewear Including an Integral Thermoluminescent Dosimetry Chip for Measuring Facial Exposure to Ionizing Radiation.

OTHER ACTIVITY

Fellow, Metropolitan Museum of Art, New York City, N.Y.

CITIZENSHIP
BIRTH DATE
BIRTH PLACE

United States
May 14, 1935
Buffalo, New York

Date of preparation, September 2, 2006 (G)